

Minutes

MAYOR AND COUNCIL
SPECIAL MEETING - JUNE 22, 2020, AT 5:15 P.M.
CITY HALL – COUNCIL CHAMBER
425 10TH STREET, DOUGLAS, AZ 85607

1. CALL TO ORDER: 5:15 p.m.
2. PLEDGE OF ALLEGIANCE: by Council
3. INVOCATION: by Danny DJ Morales, of Christian Life Center, 1660 E. 20th Street, Douglas, AZ.
4. ROLL CALL.

	PRESENT	ABSENT
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X	
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, MICHAEL BALDENEGRO	X	
COUNCILMEMBER, JOSE GRIJALVA	X	
CITY MANAGER, JERENE WATSON	X	
CITY ATTORNEY, JUAN PABLO FLORES	X	
CITY TREASURER, LUIS PEDROZA	X	
ACTING CITY CLERK, ALMA ANDRADE	X	

5. PERSONS WISHING TO ADDRESS THE COUNCIL IN WRITING OR VERBALLY ON ANY ITEM NOT ON THE AGENDA.

Ms. Andrade commented no citizen participation requests were submitted.

6. APPROVAL OF CONSENT AGENDA ITEMS:

- A. Liability Insurance Contract Renewal
- B. Workers' Compensation Insurance Contract Renewal

Motion by Council Member Morales, **second** by Council Member Lindemann to approve the consent agenda items.

Roll call: Voted in Favor: Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted against:** None.

7. DISCUSSION/DECISION to consider a new EMERGENCY PROCLAMATION dealing with FACE COVERINGS in Public Places to prevent the exposure to COVID-19.

Mayor Huish thanked citizens for taken the opportunity to let council know about their thoughts and what they felt was best for Douglas, and stated it was very important to provide an opportunity to voice thoughts and reasonings regarding the topic.

Mayor Huish stated he received feedback and gave a chart to council to review with information on all calls and emails sent regarding the matter.

Mayor Huish thanked staff for compiling the information and that the city invited Dr. Jonathan Melk to speak on the usage of face coverings.

Dr. Jonathan Melk thanked council for the invitation and appreciated the opportunity to speak pertaining to the matter.

Dr. Melk commented that the community talked about it for months COVID was in Douglas and not only in Cochise County, but in the Pima and Santa Cruz Counties, Yuma also had dozens of COVID cases and many deaths.

Dr. Melk stated that in past respiratory pandemics the use of masks had been promoted and stopped the spread of illness to the rest of the world. Furthermore, Dr. Melk added that masks are to be wear as decreases the transmission of deceases.

Additionally, Dr. Melk commented what was driving the spread was symptomatic people and could infect other people, therefore, stated everyone should wear a mask. Dr. Melk also commented that people may not have symptoms but could carry the virus and explained how virus passed to other people.

Furthermore, Dr. Melk stated that a person wearing a mask would minimize exposure, transmission and spread of the illness, and added that the virus could be deadly for many people. Additionally, Dr. Melk commented that Chiricahua Clinic policies were for staff, public and vendors to wear their masks in order to protect everyone.

As a final comment, Dr. Melk added that utilization of masks by the public could decrease transmission of COVID-19 in Douglas, could decrease the number of ill people, and would decrease the number of people hospitalized and decrease the number of people that could die, until everyone could get the vaccine.

Council Member Lindemann commented he fully believed that science was behind and that wearing a mask protected all and that all should wear a mask, and thanked Dr. Melk for the information.

Council Member Shelton commented he had a couple of pneumonias and understood problems with intake oxygen, and added it was something everyone needed to be concerned about.

Dr. Melk commented he agreed and there were people that should not wear masks and some people wear due to health risk and children younger than two should not wear a mask, and other groups for medical conditions. Furthermore, Dr. Melk stated that it was not about removing risk but to decrease it.

Council Member Morales commented she agreed with Dr. Melk and that the only way to protect each other was wearing masks, and also understood that some individuals could not wear them due to health conditions. However, Council Member Morales added they needed to enforce it, especially when people would go out in public, they needed to use it and was very concerned not only for her safety but for her employees, friends and family.

Council Member Morales furthermore stated she did not want to do it mandatory, but hoped people could take the initiative and wear masks when out in public.

Council Member Acosta inquired on medical conditions that would prevent somebody from wearing masks, and if it could be mental or developmental disabilities would prevent somebody from wearing masks.

Dr. Melk agreed.

Mayor Huish inquired on the age of two and noticed other emergency proclamations used the age of six, thoughts or reasoning.

Dr. Melk responded he had seen age of six and commented it was difficult to have a four-year-old wear mask and stated that as a parent he would keep his children at home.

Mayor Huish commented that everyone focused on mask covering, but on all aspects, hand washing, limit touches, and proper hygiene, and inquired if it was a package on what needed to be achieved.

Dr. Melk stated it was a package to include social distancing, hand washing, work from home when available, and avoid large gatherings.

Mayor Huish inquired on suggestions for people with health conditions.

Dr. Melk responded it would depend on the conditions, but there were some face coverings that would allow more air than others, and there were new materials on the market that would allow air to pass more easily for example surgical masks. Moreover, Dr. Melk commented that cloth masks would primarily protect others around other people.

Mayor Huish thanked Dr. Melk and commented he appreciated the information and his dedication to Douglas.

Jerene Watson inquired if Dr. Melk could provide information on his background.

Dr. Jonathan Melk added that he worked in public health before medical school, and went to medical school to become a better health practitioner, ended up as pediatrician which had the most to do with public health and prevention, medical school done in New York City, Pediatric Training at Children's Hospital, came to Douglas for his first job to pay off his loans and thought would be in Douglas for a maximum of four years and fourteen years later still in the community, and that Douglas was the town he called Home and where his children grew up.

Mayor Huish commented that in the event of mask covering mandate, law enforcement would take care of enforcing, therefore Chief Fullen was also present to explain procedure.

Chief Fullen stated on what other neighboring communities were doing: Bisbee was thinking of an enforcement aspect by way of ordinance, Willcox required masks for anyone in a city facility, therefore, if a member of the public wanted to visit a city facility than they needed to wear face coverings, and if they were to refuse there was an enforcement aspect, individual would be asked to leave, or handle business outside.

Furthermore, Chief Fullen added that staff had three options for council consideration for the community and two of the options involved enforcement aspects, and added there could be challenges with a civil penalty of fifty dollars, second was a misdemeanor which could be six months in jail and would also required a criminal offense, would require the individual to sign a citation and if they refused to sign take them before the magistrate. Additionally, Chief Fullen commented the second concerned was that if it was mandated it would have to be across the board, and everyone needed to wear face coverings.

Council Member Lindemann commented if an enforcement aspect could arise, education would be first and would be good for all.

Chief Fullen agreed.

Chief Fullen commented that the priority was to educate first and foremost, and that self-compliance was needed versus force compliance.

Mayor Huish inquired on how was Bisbee doing with the calls they received.

Chief Fullen commented he spoke to Chief Chubby and added there were rumors or discussion for 911 calls for service due to people not wearing masks in Bisbee, however, reports were exaggerated and added a couple of people without masks.

Council Member Baldenegro inquired on manpower to enforce when needed.

Chief Fullen responded they were short staff and handle calls based on priorities.

Motion by Council Member Lindemann, **second** by Council Member Acosta to approve **option B (civil citation)**.

Damian Dorame provided information on tracked communications received, and provided copies to council.

Mayor Huish inquired on a submittal by Ms. Torres' request with citizen signatures.

Damian Dorame responded there was a signature sheet formed from a petition created by a community member Mia Torres in which calls for mandating face masks in public for the City of Douglas, and that the packet included one thousand three hundred, thirty-nine signatures.

Mayor Huish inquired if the individuals that were included in the signature petition requested for mandated mask coverings.

Damian Dorame agreed.

Mayor Huish stated that he appreciated individuals that added their locations, even though some were from out of town, and understood was due to their family that lived in Douglas.

Council Member Lindemann commented that requiring a mask with all of the exceptions and essentially protecting Douglas from any further virus outbreaks.

Danny DJ Morales from 757 3rd Street, Douglas, commented on the following:

- in favor of petition for face coverings.

Mayor Huish asked Dr. Melk for his thoughts on face shields.

Dr. Melk responded that face shields and goggles were interchangeable, face shields with mask covering protected from mucus and individuals needed to wear mask part from the face shield in order to reduce molecules and droplets. Furthermore, Dr. Melk added that a face mask prevents virus to float around the room.

Council Member Grijalva commented that the city needed to educate people on the process for face coverings and that there was a significant amount of people that believed that after the council meeting face coverings would be implemented.

Mayor Huish asked Juan Pablo Flores to clarify how a proclamation would work.

Juan Pablo Flores responded that a Proclamation was by State law due to an emergency and by the city's charter allowed the Mayor to issue a proclamation except in the case in which Mayor Huish was gracious to make this proclamation a council approved matter. Furthermore, Juan Pablo Flores added that Mayor Huish wanted council to weight in on the proclamation and since the city had the proclamation for approval and if it was approved it would be law the night of approval by way of charter and charter provided for enforcement of either civil or criminal fine.

Lastly, Juan Pablo Flores added that it was outlined in the options and provided medical exceptions, and it stated that the police department was not allow to ask about medical conditions.

Council Member Grijalva added that proclamation by emergency would weight in ordinances and it would take 30 days for three readings.

Juan Pablo Flores responded that since state law provided emergency situation on health and welfare conditions as well as the charter provisions provided for local health and welfare concern it allowed the

city to go around resolution or ordinance. Moreover, Juan Pablo Flores added it could become law if Mayor Huish would just sign, but Mayor Huish elected to take before council for consideration.

Council Member Morales inquired on what option B stated for the citizens of Douglas to be aware.

Alma Andrade read option B as followed:

Option B (Civil Citation):

All individuals, with an exemption as outlined further below, shall wear a Face Covering while in public within the city limits of the City of Douglas under these circumstances:

- b. when in public setting where continuous Physical Distancing is difficult or impossible. Businesses whose employees interact with the public must require employees to wear face Coverings.
 - i. "Public Setting" means indoor spaces that are accessible to the public such as grocery stores, retail stores, pharmacies and health care facilities, restaurants and bars, gyms and similar facilities, government building and any other spaces where the public is allowed to enter.
 - ii. Outdoor public spaces where people congregate, including but not limited to areas where persons stand in lines for entering an establishment.
 - iii. In or on public transportation such as a bus or other public transit vehicle, a taxi or ride-sharing vehicle or at a transit stop waiting area.
- c. "Physical Distancing" means keeping six (6) feet of distance between individual persons who are not of the same household.

Face Coverings are not required:

- a. when at home,
- b. when alone in a vehicle or in the vehicle only with people you live with,
- c. when eating,
- d. when exercising outdoors alone or with people you live with,
- e. when in settings where it is not practicable or feasible to wear Face Covering, such as when receiving dental services, medical treatments or while swimming, and
- f. in workspaces not open to the public. [It is recommended in nonpublic workspaces Face Coverings be worn as recommended or required by the Arizona Division of Occupational Safety and Health (ADOSH)].

Individuals who are not required to wear a Face Covering are children and infants two (2) years old or younger and people of all ages with medical conditions which would preclude them from wearing Face Coverings. A person who cannot wear Face Covering because of a medical condition is not required to produce medical documentation of the condition, provided however that an employer may require such documentation from an employee in accordance with state and federal law.

In compliance with Executive Order No. 2020-40, enforcement of this proclamation shall focus on education and providing guidance issued by the Arizona Department of Health Services, in order to promote the health and safety of the Douglas residents as well as further contain the spread of Covid-19. Before any enforcement action is taken to enforce this order under Article XIV, Section 6 of the Douglas City Charter, that shall be limited to a civil penalty not exceeding \$50 a person shall be notified and given an opportunity to comply prior to being cited and citation should only occur where the person in violation demonstrates an intentional disregard for and refusal to comply with the imposed requirement.

Council Member Lindemann stated science fully backed the requirements and it was fine with exceptions and that it was a matter to protect each other.

Council Member Acosta commented that everyone had been complaisant for the first couple of months since the pandemic's announcement, and that number hadn't grown, but not mandated face coverings would keep status quo which needed to be proactive. Furthermore, Council Member Acosta added that

everyone lacked personal responsibility and wear face coverings, needed to take care of community, people as Walmart mandated their employees to wear them as well.

Council Member Shelton asked Chief Fullen about his honest opinion on face coverings.

Chief Fullen responded that he saw everyone's opinion and to continue to advocate only complainant would not change but does not mean they would stop efforts or activities to advocate and educate.

Council Member Shelton inquired on how would the city enforce.

Chief Fullen commented he did not see the police department seeing people out due to the fact of other priorities they had, but added that when calls were received they would respond.

Furthermore, Council Member Shelton added that the information could be advertised on radio stations and to get the information out in a way people could understand. Additionally, Council Member Shelton suggested to talk to the departmental store managers to provide information about the subject.

Chief Fullen stated that it was a valid point and they had collectively started to get the word out.

Council Member Shelton commented that a concerned citizen sent a text in reference to a federal law which stated that a law enforcement on an average that if they had a fire arm they should not wear a mask.

Chief Fullen commented he was not familiar with law.

Council Member Baldenegro inquired on the fifty-dollar penalty and if it was the largest penalty the city could provide.

Juan Pablo Flores responded that the amount would be up to fifty dollars, and that the Judge could suspend the sentence or up to fifty dollars per occurrence.

Mayor Huish added that the intent was not to track people down and charge them a citation, and commented that if the public would go out and maintain six feet apart, then the mask was not required.

Furthermore, Council Member Baldenegro inquired if the stores in the city had enough masks for people to buy before implemented.

Chief Fullen was unaware.

Mayor Huish visited a local meat market and commented they had sufficient face masks for sale, and added that local churches offered making masks as well.

Chief Fullen would like to get the list of resources to share with people in contact with.

Council Member Grijalva inquired on the process of passing the proclamation and if council would meet again to go over certain numbers.

Mayor Huish responded that the plan was to review every two weeks and to include Dr. Melk and others to advise and staff would send out to all. Therefore, if council wanted to meet they could review every fifteen days.

Council Member Grijalva inquired specifically on an individual that would workout at a gym and by wearing face coverings the individual felt light headed, and would be liable, the establishment, or the city for enforcing.

In response Juan Pablo Flores stated the city would not be liable under the circumstances, and it was his understanding that each establishment would be responsible to act in a prudent matter, and act according to recommendations by the medical and scientific community.

Furthermore, Council Member Grijalva suggested to let businesses know so they are aware of situation.

Mayor Huish inquired on how would affect schools and stated that schools had their battles as well and they were doing a good job. Mayor Huish additionally commented that DUSD Superintendent Samaniego stated since they had state buildings they required anybody in their buildings to wear face masks.

Jerene Watson commented it was public buildings that were included in the Governor's order.

Mayor Huish added that the Superintendent commented they would follow up on what it meant for when kids returned to school.

Mayor Huish additionally stated that freedoms and rights would be a concern and did not want to tell everyone what they needed to do. Therefore, Mayor Huish was hesitant on what they were doing with the proclamation as it was very serious and could not take away somebody's right even though it was medical. Moreover, Mayor Huish stated that the people needed to get stronger as community.

Council Member Acosta received an emergency call at 6:35 p.m.

Mayor Huish would like to add part of the religious ceremony or service to the proclamation and to add the age of six years rather than two years old. Additionally, change language to reflect immediate family. Moreover, Mayor Huish commented that as administrators could provide better education and suggested to do a half page flyer both English and Spanish explaining the whole program to show the importance of wearing a mask, washing hands, distancing, cleanliness, drinking plenty of fluids and exercising.

Furthermore, Mayor Huish suggested for people to read more and be better informed on the issue. Additionally, added the need to keep the community united and as people would try to divide each other to resist. Share ideas and talk about it.

Jerene Watson commented to reinforce and that the most recent information on COVID19 was on the city's website.

Council Member Shelton suggested to include information on the water bill or to send separate in the mail, and added if it could be reviewed every two weeks.

Mayor Huish commented that CARES funds could provide to send out mailings and informed citizens.

Council Member Lindemann stated that the philosophy of government, and in the case was not taking away the citizens' rights but to show leadership.

Council Member Baldenegro inquired if at Chiricahua Clinic the temperature was taken on employees.

Dr. Melk stated they had.

Council Member Baldenegro inquired if it could be common practice to do at city buildings as well.

Jerene Watson added that the city bought touchless thermometers to check employee's temperature, and it was not mandatory, but employees knew it was available.

Roll call: Voted in Favor: Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro and Jose Grijalva. **Voted against:** Mayor Huish.

Mayor Huish thanked staff and Dr. Melk for the help on the proclamation and also to the citizens for voicing their opinions on the matter.

10-minute recess. Back at 7:00 p.m.

8. DISCUSSION/DECISION on approval of Resolution No. 20-1422, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, ADOPTING THE TENTATIVE ESTIMATES of the amount required for the public expense of the City of Douglas for the fiscal year 2020-2021; ADOPTING A TENTATIVE BUDGET; SETTING FORTH THE RECEIPTS AND EXPENDITURES; THE AMOUNT PROPOSED TO BE RAISED by various means; and giving notice of the time for hearing taxpayers on the ADOPTION OF THE FINAL BUDGET.

Council Member Acosta was excused at 7:00 p.m. for the remainder of the meeting.

Jerene Watson provided background information.

Luis Pedroza provided a PowerPoint presentation on the following bullet points:

- Current Financial Picture & Projections.
 - Through March 31, 2020 sales tax revenues grew on average 8% or %151,871 per month in real growth compared to last year (factoring out 1 cent increase)
 - From July 1, 2019 through March 31, 2020 the GF showed a surplus of \$1,013,129.
 - COVID impact was felt in April, where we saw 37% sales tax decrease compared to last year and 47% (\$250,525) total GF decrease.
 - Similar activity projected in May and slightly better with businesses starting to reopen
 - Projection to finish the FY 19-20 year: \$300,000 surplus in the GF.
 - City Fund Discussions – Color of Money
 - General Fund, Special Revenue Funds, Enterprise Funds, and Internal Service Funds
 - FY 2020-21 Revenues v. Requests

Mayor Huish asked to explain the depreciation for public's awareness.

Luis Pedroza responded that depreciation was the money set aside each year as assets or infrastructure devaluated over its life expectancy.

Mayor Huish added that Enterprise funds were to be run similar to business as possible and that was the reason to have practices in order for the city not to cut short in the future.

Luis Pedroza agreed and stated that the city tried to minimize debt as well and the possibility to go out for loans was available, but to have cash on hand was first to go to.

- The Unknown Economy – Our Recommended Conservative Path
- Community Funding Requests

Mayor Huish inquired on setting requests forms for type of requests and inquired if it was used in the year.

Luis Pedroza commented that they were working on it.

- Changes to Budget

Mayor Huish provided information for the newly council members that if money was not claimed, then could not be spend.

- FY 20-21 CIP Requests – General Fund
- FY 20-21 CIP – Enterprise & Special Rev. Funds

Rocio Garcia provided background information on employees and commented that employees would receive a one-time bonus of one thousand dollar prorated to number of months and number of hours worked in the last twelve months. Rocio Garcia additionally commented that the one thousand dollars was equivalent to a 1% to a 3.4% COLA depending on employees' salaries were. Furthermore, Rocio Garcia added that the recommendation was to bring two positions that were above below the 20% market and it was an approximate cost of four thousand dollars.

- Best Assets – Employees

- Departments have asked for new positions or reclassifications

Council Member Morales commented that the Finance Committee met and wanted to thank Ms. Anel Lopez, Mr. Adam Brake, Mr. Michael Gutierrez, Mr. Pedroza, Monica Garnica, Council Member Grijalva and all department directors for their help as they did an outstanding job and commended them for great work.

Council Member Lindemann stated he received an email from the AVTT on the traveling wall and was in the negotiation process, and had been hopeful as the moving wall was a great thing for the community.

Council Member Shelton inquired on other cities in similar size to Douglas and how they would raise extra money and if it was by tax increases.

Luis Pedroza responded that most cities were using COVID monies that were distributed to all.

Council Member Grijalva inquired on how DARC allocated monies.

Luis Pedroza stated that DARC used monies to pay for fuel for the Wheels on Meals program.

Furthermore, Council Member Grijalva inquired on the amount requested by DARC.

Luis Pedroza stated it was \$13,000.

Rocio Garcia added that every entity on the list had a reduction of ten percent of their original requested amount.

Jerene Watson commented that council could adopt a process for community resources for funding requests.

Luis Pedroza clarified on a typo on the discussion session of the memorandum date was July 18 and the corrected date was June 18.

Motion by Council Member Morales, **second** by Council Member Shelton to approve Resolution No. 20-1422.

Motion to amend by Council Member Grijalva to use \$5,000 saved from Airport to fully fund the community requests: The Rotary Club, DARC and Senior Citizens, **second** by Council Member Lindemann

Council Member Lindemann inquired if the \$5,000 could cover all three requests.

Luis Pedroza responded it did.

Council Member Morales inquired on the total amount for each requested amount.

Luis Pedroza responded that Rotary Annual Fly-In was at \$750, the Douglas Senior Citizens was at \$1,500, and DARC was \$13,000 dollars.

Council Member Baldenegro commented he wanted to know if it was feasible to buy a new ambulance for the Fire Department.

Mayor Huish added that if the city was to receive CARES funding to add the ambulance to the list of priorities for purchase.

Roll call: with an amendment by Council Member Grijalva to fund the entire Community Funding Request as follows: Rotary Club – 6th Annual Fly In from \$675 to \$750; Douglas Senior Citizens from \$1,350 to \$1,500; and DARC (meals on wheels) from \$11,700 to \$13,000. **Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted against:** None.

Roll call: Voted in Favor: Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted against:** None.

9. **ADJOURNMENT:**

Motion by Council Member Morales, **second** by Council Member Baldenegro to adjourned the meeting at 7:38 p.m.

Prepared by:


Alma Andrade, Acting City Clerk